

Kansas State Fire Marshal – Fire Prevention Division

References (s): K.S.A. 39-947a

Page 1 of 2



FIRE FACT 024 – INFORMAL DISPUTE RESOLUTION

This Fire Fact is for Federal inspections conducted by KSFM staff. Routine inspections are addressed under the Appeals Process Fire Fact.

Upon completion of the Kansas State Fire Marshal inspection a facility can make a request for an informal dispute resolution (IDR) to the State Fire Marshal within ten (10) calendar days after receipt of the statement of deficiencies. A facility may only request one informal dispute resolution per inspection.

The IDR process is an established two-tiered informal dispute resolution process for deficiencies cited during an inspection, for compliance with federal law, pursuant to oversight by the Centers for Medicare and Medicaid Services.

What is an IDR

It's important to understand that an IDR is a written statement that you (the facility) think that the deficiency is inaccurate.

An IDR is not a method to:

- "Grandfather" a pre-existing, non-conforming condition (See Compensatory Measures)
- Avoid correction due to high cost (See Federal Waiver)
- Delay correction for any reason (See Federal Waiver)

Request an IDR (First Tier)

Facilities must submit the request on official company letterhead and must contain detailed information regarding the basis for the dispute. Facilities have two options when submitting an IDR: desk review or meeting. You must indicate which option you are requesting. If you request a meeting, the meeting will be held at the Kansas State Fire Marshal's Office located in Topeka, KS.

The information below must be provided within the IDR request:

- Facility reference number
- Date of appeal notice
- Inspection date
- Violation being disputed
- Regulatory information supporting appeal
- Title and Signature of person submitting the appeal
- Further contact information

How does the IDR affect the Plan of Correction

A written plan of correction is required to be submitted to KSFM within the original allotted timeframes regardless of if a facility is submitting or has submitted an IDR. Facilities must address the disputed violation as if the violation will be upheld. If a decision to revoke or modify the violation is made, then the facility will receive a new statement of deficiencies. However, if the violation is upheld, the facilities plan of correction will be ready for final approval.

Review Period

The first-tier review or meeting will be conducted within 30 days of receipt of the written request. The facility will be notified in writing of the results. The facility may challenge the decision of the first-tier review by requesting, in writing, a second-tier review.

Kansas State Fire Marshal – Fire Prevention Division

Request an IDR (Second Tier)

Facilities must submit the request on official company letterhead and must contain detailed information regarding the basis for the continued dispute. The second-tier IDR will be conducted by a three (3) person panel appointed by the State Fire Marshal. The panel will consist of one employee of the State Fire Marshal's Office and two members outside the State Fire Marshal's Office.

The facility requesting a second-tier IDR will be charged a fee not to exceed \$250 to reimburse panel members for their time and travel expenses.

Review Period

The second-tier review will be conducted within 30 days of receipt of the written request. The facility will be notified in writing of the results.

Panel Authority

The decision of the panel shall be advisory to the State Fire Marshal only. Since these facilities are governed by Centers for Medicare and Medicaid Service, any decision made by the State Fire Marshal may be over-ruled by CMS.